

Custodial Worker from August 1998 to October 1998. Although the appellant indicated that he supervised six support staff in his Boiler Operator position, this would be considered out-of-title work. The appellant met the general experience requirement, but was found to be lacking one year of supervisory experience.

On appeal, the appellant states that he is a Principal Custodian and he provides a list of duties of he has performed since his November 2019 provisional appointment. He also indicates that he was an “acting” Principal Custodian for four years prior to his provisional appointment and provides another list of duties. In support, the Director of Maintenance Services states that the appellant was hired on November 2018, and was an acting Principal Custodian for three years prior to that date. He provides no specific duties and responsibilities.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides in pertinent part that applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception. *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date.

At the outset, it is noted that the appellant did not properly complete his application. The appellant did not include his provisional position as a Principal Custodian from November 2019 to the February 2020 closing date on his application. Next, he indicated that he was employed from November 2005, when in fact he was appointed on July 21, 2009 to the title Boiler Operator. The appellant is cautioned to properly complete any future applications. Pursuant to *N.J.A.C.* 4A:4-2.1(f), information submitted on appeal pertaining to duties in a given title that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. *See In the Matter of Diana Begley* (MSB, decided November 17, 2004). This supplemental information regarding his provisional appointment was received after the closing date and cannot be accepted. Assuming *arguendo* that it could be accepted, it would only provide him with five months of the required in-title supervisory experience and he would need an additional seven months of supervisory experience to qualify for the examination. Regardless, since the examination is competitive with 11 eligible candidates, there is no basis to relax this requirement in the instant matter.

In his appeal, the appellant states that he performed supervisory duties while in the title Boiler Operator for four years. Generally, the Civil Service Commission

finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect permanent appointments and verifies that the appellants have performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). Further, the documentation of out-of-title work did not come from the appointing authority and does not delineate any duties. Regardless, as noted earlier, the examination is competitive and there is not a basis on which the Commission can relax *N.J.A.C. 4A:4-2.6(c)* to accept any asserted out-of-title work. As a result, the appellant was correctly determined to lack one year of required supervisory experience.

An independent review of all material presented indicates that the decision of Agency Services that appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. Appellant provides no basis to disturb this decision. Thus, appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21ST DAY OF JULY, 2021

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